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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,820	02/27/2004	Stuart Butterworth	COHP-5040	6927
28584	7590	06/04/2008		
STALLMAN & POLLOCK LLP 353 SACRAMENTO STREET SUITE 2200 SAN FRANCISCO, CA 94111			EXAMINER FORDE, DELMA ROSA	
			ART UNIT 2828	PAPER NUMBER
			MAIL DATE 06/04/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action
Before the Filing of an Appeal Brief

Application No.

10/788,820

Applicant(s)

BUTTERWORTH ET AL.

Examiner

Delma R. Fordé

Art Unit

2828

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 01 May 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 1 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Minsun Harvey/
Supervisory Patent Examiner, Art Unit 2828

/Delma R. Fordé/
Examiner, Art Unit 2828

Continuation of 11, does NOT place the application in condition for allowance because: the pressure contact bonded in a manner to remain fixed without adhesive after the pressure has been removed the subject matter not properly described in the application as filed, and provide an explanation of your position. The applicants don't have any support in the specification to explain how pressure contact bonded in a manner to remain fixed without adhesive after the pressure has been removed. The applicants need to provide support on the specification.

One skilled in the art would be quite familiar with the results of optical contact bonding ("Standard optical contacting methods are used, well known in the industry" page 10, line 18). Further, this same paragraph teaches that the elements should be annealed at high temperature. As noted above, annealing improves the shear strength of the bond. If the bond were not fixed, there would be no need to anneal the bond. The examiner disagrees with the applicant arguments since the page 10, Lines 13 - 24, said: It is preferable when optically contacting a diamond (CVD, natural or type IIa-synthetic) or any other highly thermally conductive heat spreader material to a semiconductor epitaxial layer structure, that the surfaces of both the layer structure and the heat spreader be very clean and very flat, preferably flatter than 0.2 waves at 635 nm. Standard optical contacting methods are used, well known in the industry. Regarding cleanliness, it is preferable that contacting be carried out on a class 100 clean bench and that surfaces be finally cleaned with an organic solvent such as acetone, methanol and iso-propanol. Once the heat spreader and the semiconductor chip are clean, one edge of the semiconductor chip is pressed against the heat spreader and the two surfaces are brought into contact with pressure. This usually requires multiple attempts of recleaning and contacting. Once a full surface optical contact has been made, the contacted, assembled structure is annealed at temperatures between 25 100 C and 350 C. The examiner read very carefully page 10, lines 13 - 24 and don't have any support in the specification to explain how pressure contact bonded in a manner to remain fixed without adhesive after the pressure has been removed. The examiner believe the applicant accept the standard optical contacting methods are used, well known in the industry and is not new on the industry. The applicant need to explain what exactly is well known in the industry and what is new and provide an explanation of your position.